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## CONGRESSIONAL RECORD — SENATE

ALLEGED COVERT ACTION  
BEING CONDUCTED IN CENTRAL AMERICA

Mr. GOLDWATER. Mr. President, over the past several weeks the media has been filled with stories regarding alleged U.S. covert action in Central America. It has been said that the United States is supporting an effort to overthrow the Sandinista's Marxist-inspired military dictatorship in Nicaragua.

High administration officials, Members of Congress and others have apparently been talking freely about these matters. The New York Times even published what it claims is a top secret National Security Council document relating to these allegations. Now, this is deplorable, Mr. President, that what would appear to be the Nation's secrets are so little regarded and so poorly protected that they daily become grist for the media mill.

In the past, I have often spoken in these Chambers on the issue of leaks and proper security. We all know too well that, "It is the ship of state which leaks at the top." Nonetheless, as chairman of the Senate Select Committee on Intelligence, I feel a responsibility to remind my colleagues of their obligation to protect the legitimate secrets of this Nation regardless of the apparent importance of an issue or the heat of debate. The unauthorized disclosure of classified information may give one or the other of us a short-term advantage in debates of this sort, but the long-term beneficiaries of this practice are usually the enemies of the United States. I believe there can be free debate without a free-for-all, and I urge my colleagues to use restraint when discussing alleged covert action activities in public.

## CRISIS OF CONFIDENCE

Last week, one of my colleagues on the Senate Select Committee on Intelligence stated publicly that there was a crisis of confidence between our committee and the intelligence community. He went on to say that this crisis had come about over reporting on alleged covert action activities directed against the Sandinista government in Nicaragua, and he suggested that we had not been kept fully informed on these matters.

Mr. President, I want to make it perfectly clear that I believe we have been kept fully and currently informed with respect to all intelligence activities currently being conducted in Central America. We have had more hearings and briefings on this part of the world over the past 2 years than on any other single subject. As our distinguished vice chairman, Senator

MOYNIHAN pointed out last week, we have spent a full 25 percent of our time on these matters. Members of the committee and committee staff have traveled in Central America at my request, our questions have been answered and our concerns have been heard.

Mr. President, this talk of a crisis of confidence is a throwback to the rhetoric of the 1970's when the Church and Pike committees were crawling into the headlines on the backs of the intelligence community. I see no need and no value to digging up all this old rhetoric. I think that we can make a lot more sense out of what is going on in Central America if we leave these old ghosts in the closet where they belong.

## - VIOLATION OF THE LAW?

Another member of the Senate Intelligence Committee has wondered aloud whether alleged covert action activities directed against Nicaragua violate the law. Now, I do not think that anyone questions the President's legal authority to conduct covert action. Under the provisions of title 22, United States Code, section 2422, Presidential findings constitute both the legal authority and the policy framework for covert action programs. These programs are routinely briefed to the House and Senate Intelligence Committees which, in turn, report authorization legislation to fund them. Occasionally, covert action proposals are not authorized by the Congress, and funds are withheld accordingly.

What is really at issue here is whether the U.S. Government is doing anything in Central America which would violate the so-called Boland amendment. This amendment, which was passed last December by a vote of 411 0 in the House of Representatives, states:

SEC. 794. None of the funds provided in this Act may be used by the Central Intelligence Agency or the Department of Defense to furnish military equipment, military training or advice, or other support for military activities to any group or individual, not part of a country's armed forces, for the purpose of overthrowing the Government of Nicaragua or provoking a military exchange between Nicaragua and Honduras.

Mr. President, I am constrained from discussing this matter in any useful detail in an open forum of the U.S. Senate. Nonetheless, the Senate Intelligence Committee has met in full committee session several times since the Boland amendment became law specifically to address the question of whether it was being observed. Transcripts of these sessions are available to all Members of the Senate under the provisions of Senate Resolution 400. In fact, a great deal of material on this subject is available to Members who are interested in seeing it.

I believe that most Members of the Senate will be satisfied that the intelligence community is living up to its obligations under the law. The Secretary of State and our Ambassador to the United Nations have said, "The United States Government is not breaking the law, and the United States Government would not break the law." I concur with this point of view in the context of alleged covert action directed against the Marxist regime in Nicaragua.

## MARXIST MILITARY MIGHT

It seems to me that the crux of this debate involves whether or not the U.S. Government is trying to overthrow the Marxist military regime in Managua, Nicaragua. Most of my colleagues will remember that when the Sandinista forces took control in Nicaragua in 1979, they enjoyed the support of almost all political groups on their country. They had a force of over 15,000 well-armed and trained guerillas. Both the Carter administration and Castro's Cuba supported the ouster of President Somoza, who eventually fled with his palace guard to an estate in Florida. Later, he was murdered by a Sandinista death squad in Paraguay.

Since 1979, the Marxist Sandinista government in Nicaragua has developed the largest military force in Central America. They have improved a dozen of their existing bases, and have constructed almost 40 new military bases. They have built up a regular military force of over 20,000 troops, with reserves of over 20,000 and a militia of almost 30,000. With this force, the Nicaraguans can field over 90 in-

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